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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,704	06/16/2000	Paul A. Voois	8X8S.249PA	3460
40581 CRAWFORD N	7590 03/16/201 MAUNU PLLC	EXAMINER		
	AND DRIVE, SUITE	SHINGLES, KRISTIE D		
ST. PAUL, MN	1 33120		ART UNIT	PAPER NUMBER
			2444	
			MAIL DATE	DELIVERY MODE
			03/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/597,704	VOOIS ET AL.	
Examiner	Art Unit	
KRISTIE D. SHINGLES	2444	

<u> </u>			KRISTIE D. SHINGLES	2444	
1. ☑ The reply was filed after a final rejection. but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidiaty, or other avidency, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expiresmonths from the malling date of the final rejection, b) ☑ The period for reply expiresmonths from the malling date of the final rejection, which were its later. In ne event, however, will the statutory period for reply expires on: (1) the malling date of the final rejection, which were its later. In ne event, however, will the statutory period for reply expires on: (1) the malling date of the final rejection. Examiner Note: If box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRML REJECTION. See MFEP 705 07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(s) and the appropriate extension fee the maler of the date of the final rejection, explain the replication of the file appropriate extension fee under 37 CFR 1.17(s) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (2) as many reduce any examed patent term adjustment. See 37 CFR 1.73(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was feed for		The MAILING DATE of this communication appea	rs on the cover sheet with the	correspondence add	ress
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must intelly file one of the following replicis: (1) an amondment, affidiaty, or other evidency, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expiresmonths from the malling date of the final rejection. b) ☑ The period for reply expiresmonths from the malling date of the final rejection, which were intelled to statutory period for perply expires on: (1) the malling date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for perply expires on: (1) the malling date of the final rejection. Examiner Note: if box is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRM REJECTION See MPEP 708.07(f). Extensions of lime may be obtained under 37 CFR 1.198(a). The date on which the petition under 37 CFR 1.198(a) and the appropriate extension fee number of CFR 1.178(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; (2) as many reduce any exame patent term adjustment. See 37 CFR 1.794(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (e)), to avoid dismissal of the appeal. Since a Notice of Appeal was fleed for	THE REP	LY FILED <u>20 January 2010</u> FAILS TO PLACE THIS AF	PPLICATION IN CONDITION FO	R ALLOWANCE.	
no novent, however, will be satutory period for reply expired in the final rejection, whichever is later. In no novent, however, will be satutory period for reply expire later than SM MONTHS from the mailing date of final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See WFEP 766 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for propresses of determining the period of extension and the corresponding amount of the fee appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in 0; above, if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in 0; and the proposed amount of the fee. Control of the proposed amount of the fee. Control of Appeal was filed on A brief in compliance with 37 CFR 41.37 (e), by avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). Control of Appeal and the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They raise new issue of that would require further consideration and/or search (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially	1. ⊠ The app app for 0	reply was filed after a final rejection, but prior to or on the lication, applicant must timely file one of the following relication in condition for allowance; (2) a Notice of Appea Continued Examination (RCE) in compliance with 37 CF	he same day as filing a Notice of eplies: (1) an amendment, affidav al (with appeal fee) in compliance	Appeal. To avoid abar it, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appriopriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any yearned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): which was not appeal and/or complexity of the proposed amendment (s): a) will be entered and an explanation of how the new or amended claims ough to reject the interval of the proposed amendment (s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims ough to reject the proposed amendment (s): a	a) 🔲	The period for reply expiresmonths from the mailing of the period for reply expires on: (1) the mailing date of this Advino event, however, will the statutory period for reply expire late Examiner Note: If box 1 is checked, check either box (a) or (b)	visory Action, or (2) the date set forth er than SIX MONTHS from the mailin). ONLY CHECK BOX (b) WHEN THE	g date of the final rejectio	n.
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Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the prior art Schaffer et al (6125108), Edholm (6449269), Swartz (6445694) and Truetken (6493324) fail to teach the claim limitation of "configuring a control system" Examiner respectfully disagrees. As stated in the final rejection of 11/20/2009, with respect to claims 15-19 and 26, Swartz teaches the user's selection of configurations options for the IP telephony device which are communicated to the host services computer thus configures the host computer to provide the selected services to the user's device and configures the device with the selected services from the host (Abstract, Figures 1, 2, 6, 8 and 9, col.2 lines 2-67, col.3 lines 39-59, col.7 line 44-col.8 line 47, col.11 line 30-col.13 line 4). Furthermore with respect to claims 1 and 20, Shaffer et al discloses use of a user's profile to configure the services selected/needed by a user for the user's IP telephony device, which in turn configures the the server with to provide such services customized for the user (Figures 4-6, col.4 lines 1-28). The Examiner's characterization of the art is consistent with the functionality and meanining of Applicant's claim language. The cited prior art teaches that the server/host provide services to the user's IP telephony device based on user selections or user profile information that allows the service to program and store the user's information to provide the requested selections to the user. Furthermore, the language of "configuring" and "programming" are broad terms with do not exclude or overcome the teachings of the cited prior art, in that, telephone selections made by the user are propagated to the host in order to update the server system with the user's selected services. Thus the changes made by the user that affect the user's IP telephony device will be distributed to throughout the network of other IP telephony devices so that the user is communicating with other IP telephony devices based on the user's selected services. The rejections under the cited prior art are therefore maintained.